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The Kingdom of Spain, with a population of approximately 44.4 million, is a parliamentary democracy headed by a constitutional monarch. The country has a bicameral parliament, and the head of the largest political party or coalition is usually named president. The 2004 national election was free and fair. The Spanish Socialist Workers Party won the multiparty election, and José Luis Rodríguez Zapatero became president. Civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens, and the law and judiciary provided effective means of addressing individual instances of abuse. There was one report that security forces abused a suspect, and other reports indicated that some guards at migrant detention facilities mistreated detained migrants; Jewish groups reported isolated acts of vandalism; Muslim groups reported some societal discrimination; there were reports that authorities at times expelled illegal immigrants without adequate screening for potential asylees; domestic violence, trafficking in persons, prejudice and at times violence against minorities were societal problems. The Basque terrorist group Basque Fatherland and Liberty (ETA) declared a "permanent ceasefire" on March 22; however, an ETA bombing at the Madrid airport on December 30 killed at least two persons.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

There were legal developments related to some killings or alleged killings in previous years. In June the prosecutor asked for a 10 year prison sentence for civil guard commander José Manuel Rivas, and eight years in prison for each of seven other civil guards, accused of killing Juan Martínez Galdeano in July 2005. Galdeano died in civil guard custody in Roquetas (Almería). The Ministry of Interior's investigation led to charges that the guards beat Galdeano to death, used banned weapons, obstructed the investigation, and provided false testimony. The trial had not begun by year's end.

In April the prosecutor asked for a conviction on charges of negligent homicide and a two year jail sentence for a regional Catalanian police officer who shot and killed a Moroccan national, Farid Ben Daoud, during an operation against drug traffickers in 2004. While an investigation concluded that the killing was unintentional, prosecutors concluded that the officer had been negligent in securing his sidearm. The trial began in October.

The terrorist group ETA, whose declared goal is to establish an independent Basque state, continued its terrorist campaign of bombings during the first two and a half months of the year. ETA publicly claimed responsibility for these attacks. However, in March ETA declared a "permanent ceasefire" and sought negotiations with the government on Basque independence and legalization for Batasuna, its political wing. The government made both cessation of and renunciation of violence a precondition for negotiation. However, on December 30, ETA terrorists detonated a massive car bomb inside a parking garage at Madrid's international airport, destroying the five level garage and causing the death of two persons and significant loss of property. The government responded on December 31 by severing negotiations. Batasuna representatives declined to condemn the attacks and blamed the government for failing to advance peace negotiations.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and laws prohibit such practices, and the government generally respected this prohibition.

In September the civil guard questioned 18 police officers about their alleged implication in the June 23 beating of a Guatemalan citizen in the police headquarters of Torrevieja (Alicante). A judge subsequently charged 13 of the officers, along with two local government officials, with the beating. Authorities produced mobile telephone recordings allegedly implicating both the police and members of the local

government in an attempt to cover up the abuse. At year's end the case had not gone to trial.

Following a wide ranging 2005 visit, the commissioner for human rights of the Council of Europe (COE/CHR) reported that he and his team did not find evidence of any ill treatment of prisoners. Many other observers generally agreed that police abuses were infrequent. However, a report by the European Commission against Racism and Intolerance (ECRI) released on February 21, reported that nongovernmental organizations (NGOs) continued to receive reports from noncitizens, Roma, and citizens of immigrant origin asserting that they were victims of misconduct, including insulting and abusive speech, mistreatment, and violence by the various security forces. The report indicated that victims rarely filed complaints, and there appeared to be little investigation of the incidents.

There were reports that a few members of the security forces abused and mistreated detained illegal immigrants. Media reported that some authorities in detention facilities traded food and other special favors for sex and money from migrant detainees. A government investigation was ongoing at year's end (see section 2.d.).

The NGO SOS Racismo denounced abuses of immigrants by some Catalan police officials. There were complaints by immigrants of mistreatment by police who were checking them for identification. One example was that of an immigrant from the Maghreb region who, after being attacked by four unknown persons and being badly injured, sought police assistance. Instead of helping him, police handcuffed him and left him inside a police car for more than 30 minutes before getting him medical attention.

On December 30, ETA terrorists broke a ceasefire by detonating a bomb at the Madrid airport, killing two persons and wounding many others. ETA kidnapped a French citizen whose vehicle they stole for use in the attack. Prior to the March 9 "permanent ceasefire" declaration, there were 12 terrorist acts, including attacks in the provinces of Cantabria, Alava, Guipuzcoa, Vizcaya, Zaragoza, Huesca, and Navarra. None of the injuries from these attacks was serious.

Prison and Detention Center Conditions

Prison conditions generally met international standards; the government permitted visits by independent human rights observers.

Prisons were overcrowded. At year's end there were 64,066 inmates in the country's 77 prisons with an inmate per cell ratio of approximately 1.6. At the end of 2005, the government approved construction of 11 new prison facilities to be completed by 2012; four were under construction by year's end.

As of year's end, the delegation of the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment had not made public a formal report on its 2005 visit to a number of the country's prisons. In their informal report, they reiterated earlier recommendations that authorities give detainees quicker access to lawyers, reduce the length of incommunicado detention, and provide detainees with access to their personal doctors rather than government doctors. The government replied that incommunicado detention was only used under strict judicial supervision and that most detainees had prompt access to their lawyers.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

Police forces include the national police and civil guard, both under the authority of the central government, as well as municipal police and police forces under the authority of Catalonia and the Basque country regional governments. All police forces operated effectively with isolated reports of corruption. However, the ECRI reported a problem with police impunity in a report made public on February 21 (see section 1.c.). The constitution provides for an ombudsman who investigates claims of police abuse (see section 4). Police internal investigators have 15 days to respond to inquiries from the ombudsman concerning police behavior, and the ombudsman's office issues findings on the results of investigations and may impose sanctions. The ombudsman may perform unannounced inspections of police facilities (see section 4). The national ombudsman's annual report for 2005, released in June, stated that it intervened after receiving complaints of delays in judicial procedures and instances of poor communication and coordination between police and judicial authorities. The national ombudsman filed 140 ex officio judicial complaints, including in the Roquetas case and in every instance of death during incarceration (see section 1.a.). During 2005 the ombudsman network processed 3,999 complaints relating to matters of justice, defense and internal affairs. The national ombudsman also reported that the Ministry of Interior accepted its recommendation to suspend two national police officers pending a disciplinary investigation.

Arrest and Detention

The law provides that Police may apprehend suspects with probable cause or with a warrant based on sufficient evidence as determined by a judge. With certain exceptions, police may not hold a suspect for more than 72 hours without a hearing. Police generally respected these procedures in practice. Detainees generally were promptly informed of the charges against them. The courts released defendants on bail unless they believed that the defendants might flee or be a threat to public safety. Police generally gave arrested persons prompt access to a lawyer of their choosing or, if they could not afford one, to a court appointed attorney.

In certain rare instances involving acts of terrorism or rebellion, the law allows authorities to detain persons for up to five days prior to arraignment on the authorization of a judge. In these cases a judge also may order incommunicado detention for the entire duration of police custody (five days). The law stipulates that suspects held incommunicado have the right to an attorney, but not necessarily to their attorney

of choice. The Spanish Bar Association, not the government, selects an attorney for the detainee. Additionally, after incommunicado police custody and arraignment, a court or judge may order additional incommunicado pretrial imprisonment of up to 13 days. Human rights observers indicated that this power carried the potential for abuse. Authorities asserted that this form of detention was rare.

Lengthy pretrial detention occurred. At year's end the prison population was 64,066 of whom 15,154 were pretrial detainees. Under the law authorities may detain suspects for more than two years before putting them on trial unless a judge authorizes a further delay, which may extend to four years. In practice pretrial detention was usually less than one year.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected judicial independence in practice.

The judicial structure consists of local, provincial, regional, and national courts with the Supreme Court at its apex. A Constitutional Court has the authority to return a case to the court in which it was adjudicated if it determines that constitutional rights were violated during the course of the proceedings. The national courts hear cases involving terrorism and drug trafficking. The European Court of Human Rights is the final arbiter in cases concerning human rights.

Trial Procedures

The constitution and law provide for the right to a fair trial, and an independent judiciary generally enforced this right.

Trials are public and there is a nine person jury system. Defendants have the right to be represented by an attorney (at government expense for the indigent), to confront witnesses, to present witnesses on their behalf, and to have access to government held evidence. Defendants enjoy the presumption of innocence and the right to appeal.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

An independent and impartial judiciary exists for civil matters.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution prohibits such actions, and the government generally respected these prohibitions in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and of the press, and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

Individuals could criticize the government publicly or privately without reprisal, and the government did not attempt to impede criticism.

The law prohibits, subject to judicial oversight, the publishing of documents that the government interprets as glorifying or supporting terrorism. There were no reports that persons were prosecuted for this offense during the year.

The independent media were active and generally expressed a wide variety of views without restriction; however, there was one report of attempted restriction on broadcast media in Catalonia. In January several NGOs criticized a December 2005 law enacted by the regional Catalanian parliament that gave the Catalanian Audiovisual Council authority to fine Catalanian media as much as \$393,000 (300,000 euros), or to shut them down, for transmitting "untruthful" information. There were no reports that this law was employed during the year.

On April 11, Holocaust denier Pedro Varela was arrested in his bookstore Libreria Europa in Barcelona. Police seized hundreds of books denying or minimizing the Holocaust. Authorities charged Varela with defending genocide and incitement to racial hatred and released him pending trial. The charges against him carry a penalty of up to five years' imprisonment. The trial had not begun at year's end.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail. Internet access was readily available from a number of providers. The government did not require Internet service providers to restrict public access to any Web

sites.

Academic Freedom and Cultural Events

There were no official government restrictions on academic freedom or cultural events.

Languages or dialects other than Castilian Spanish are used in six of the country's 17 provinces. The constitution stipulates that citizens have the "duty to know" Castilian, which is the official language of the state; however, it provides that other languages may also be official under regional statutes and that "different language variations of the country are a cultural heritage which shall be protected."

In the autonomous province of Catalonia, Catalan and Castilian are both official languages and both may be used in official institutions as well as in schools. However, during the year both Spanish and Catalan ombudsmen received isolated complaints of alleged discrimination against the use of either Castilian or Catalan (see section 5).

b. Freedom of Peaceful Assembly and Association

The constitution provides for freedom of assembly and association, and the government generally respected these rights in practice.

c. Freedom of Religion

The constitution provides for freedom of religion, and the government generally respected this right in practice.

The constitution declares the country to be a secular state, and various laws provide that no religion should have the character of a state religion; however, Catholicism was the dominant religion and enjoyed the closest official relationship with the government. The Catholic Church benefited from financing through the tax system in that taxpayers, regardless of denomination, could elect to dedicate a small percentage of their taxes to the Catholic Church. The government also provided some direct funding to the Catholic Church, as well as funding for religion teachers in public schools, military and hospital chaplains, and other indirect assistance. The Jewish, Muslim and many Protestant communities had official status and received some tax benefits through agreements with the government, but they enjoyed fewer privileges.

To receive status as a religion, an organization must be officially recognized by the Ministry of Justice. Groups not officially recognized as religions, including the Church of Scientology, were treated as cultural associations. The Church of Scientology filed its most recent application for official recognition with the Ministry of Justice in 2004. The ministry rejected the application in May 2005 on the grounds that the ministry did not have the authority to overturn a 1990 Supreme Court decision that denied the church registration.

On separate occasions leaders of the Muslim and Jewish communities complained about difficulties in securing permits and approvals to construct new places of worship. Specifically, efforts to construct a mosque in Seville were met with judicial hurdles that the Seville Mosque Foundation claimed were prompted by societal prejudice against Islam. Construction was on hold at year's end pending a judicial ruling on a complaint filed by Bermejales 2000, a neighborhood association that gathered 1500 signatures opposed to the construction of the mosque.

Planners of a Sephardic Jewish center in Barcelona criticized local and national government officials for withholding support for the project. Authorities replied that they did not oppose the project but were waiting for a feasible plan.

The law mandates public funding for teachers in Catholic, Islamic, Protestant, and Judaic studies in public schools when at least 10 students request them. Islamic leaders complained that the demand for Islamic instruction far outstripped the government's capacity to provide it. In October Muslim leaders and government officials celebrated printing of the first 15,000 copies of a standardized textbook on Islam to be used in public schools.

In December the Islamic Junta of Spain appealed to Pope Benedict XVI to allow Muslim worshippers to pray at the Cordoba mezquita, a site of religious significance to both Catholics and Muslims, having been built as a mosque during the Muslim era and turned into a cathedral after Christian monarchs captured Cordoba in 1236. The Islamic Junta asked the Vatican to convert the mezquita into an ecumenical center where members of all faiths could worship. On December 28, the Archbishop of Cordoba declined this request.

Societal Abuses and Discrimination

Muslims continued to experience some societal prejudice. On April 18, the Spanish Federation of Islamic Religious Entities (FEERI) and the Union of Islamic Communities in Spain (UCIDE) criticized what they called an increase in Islamophobia; however, a large majority of Muslims said in public opinion polls that they felt "well integrated" or "somewhat integrated."

The comments of FEERI and UCIDE were prompted by arson attacks on the Sibi Bel Abbas mosque, the second of two mosque bombings in the enclave city of Ceuta in North Africa. Authorities indicated that the burning of the Sibi Bel Abbas mosque may have been the work of radical Islamists in Ceuta who opposed the iconic nature of worship prevalent among Maghrebi Muslims; the two sanctuaries were both sacred burial sites of important Maghrebi leaders. Authorities had not charged anyone in connection with either attack by year's end, but their investigation was continuing.

On November 19, unknown persons vandalized the Colon Park mosque in Corboba, defacing it with graffiti of swastikas and other

xenophobic symbols.

According to a report on the Muslim community produced by Metroscopia for the Ministry of Interior, 31 percent of Muslim respondents said they were completely adapted to Spanish life and customs, 49 percent were fairly well adapted, and 19 percent said they were not well adapted. Among respondents, 83 percent said they had not encountered any obstacles to the practice of their religion, while 13 percent said they had. Among the respondents, 57 percent believed Spanish society was tolerant of the Muslim religion, while 37 percent thought there was some prejudice.

According to another report on the Muslim community produced by Tais Comunicaci3n for the magazine 21RS, 38.7 percent of Muslims felt completely accepted, 50 percent felt somewhat accepted, 10.3 percent felt somewhat rejected, and 1 percent felt very rejected.

However, in December the European Observatory for Racism released a report describing the results of a June survey by the Pew Global Attitudes Project which found that only 29 percent of respondents in the country held a good opinion of Muslims; in response to a separate question, 83 percent of respondents associated "Muslim" with "fanaticism." In the opinion of 58 percent of the respondents, being a devout Muslim was incompatible with modern society, and 41 percent believed that at least some of the country's Muslims supported Islamic extremism. In the view of more than 80 percent of respondents, Islam did not respect women.

Jewish community leaders reported that while violence against persons in the 30,000 to 40,000 member Jewish community was rare, they were concerned about anti-Semitism expressed as vandalism against Jewish institutions. On July 25, the building housing the Jewish Information Center in Toledo was defaced with 12 swastikas. Synagogues in Barcelona were vandalized at various times during the year, especially during the July August conflict involving Israel and the terrorist organization Hizballah in Lebanon. Also, in March 2005 Jewish synagogues in Barcelona were defaced with anti-Semitic graffiti. No suspects were arrested.

Jacobo Israel Garzon, president of the Federation of Jewish Communities in Spain, stated in a November 5 article in the International Herald Tribune that, despite increased interest in the country's Jewish heritage, "a new anti-Semitism is developing in Spain. It uses the Israeli-Palestinian conflict as its source, but it passes very quickly from anti-Israelism to anti-Semitism."

The European Jewish Congress, in a report on alleged anti-Semitism during the July August conflict involving Israel and the terrorist organization Hizballah in Lebanon, cited an article that appeared in El Mundo linking Nazi Germany and Israel, accusing Israel of using the same arguments made by the Nazi leaders to justify its "aggression." The article continues, "now the victims of this period (the 1930s) have become the executioners."

In November, at a soccer game between Deportivo La Coruna and Osasuna, Osasuna fans shouted anti-Semitic slurs at Dudu Awate, a Deportivo player from Israel (see section 5).

The 2005 annual country report on anti-Semitism by the Stephen Roth Institute, released during the year, found that "a relatively low level of anti-Semitic activity was recorded in Spain in 2005."

On April 11, Holocaust denier Pedro Varela was arrested in his bookstore, Libreria Europa, in Barcelona. Police seized hundreds of books denying or minimizing the Holocaust. Authorities charged Varela with defense of genocide and incitement to racial hatred and released him pending trial. The charges against him carried a penalty of up to five years' imprisonment. The trial had not begun at year's end.

In March 2005 Barcelona police arrested a distributor of neo-Nazi music, Jordi R.P., for distributing music that promoted the Third Reich, anti-Semitism, and called for a racial war. He was awaiting trial at year's end.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the government generally respected them in practice.

The law prohibits forced exile, and the government did not employ it.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. The government generally provided protection against refoulement, the return of persons to a country where they feared persecution. The government granted refugee status or asylum.

During the year, authorities received 5,297 asylum requests. They gave refugee status to 168 applicants during the same period and gave other forms of protection to 188 others.

The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol and provided it to approximately 111 persons in 2005.

The government generally cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations, including the Spanish Committee for Assistance to Refugees, in assisting refugees and asylum seekers.

The country experienced its largest recorded influx of undocumented immigrants during the year. Among them were approximately 31,000 West Africans who arrived on boats in the Canary Islands. The authorities transferred approximately 20,000 immigrants from the Canary Islands to the Iberian Peninsula, and 8,000 more resided in the islands' police stations and refugee centers.

At year's end the government had repatriated 97,715 irregular immigrants. A July report by Amnesty International (AI) expressed concern that the government, faced with thousands of migrants that arrived in the Canary Islands, did not dedicate sufficient resources to identify bona fide refugees and expressed concern that screening was inadequate. While acknowledging that a majority of the migrants were economic, AI found that the government had not always provided migrants with sufficient legal information or access to interpreters.

In October several NGOs, including CEAR, called on the government to close the Center for the Internment of Aliens in Malaga, saying it experienced a "plague of irregularities," including alleged instances of guards trading food and other favors for sex. On July 22, a judge in Malaga ordered three police officers detained, pending the results of an investigation by the Ministry of Interior, for sexually abusing interned migrants. Authorities also charged an attorney in the case, which detailed the alleged organization of sex parties by guards at the center, and the investigation was ongoing at year's end (see section 1.c.).

Human rights observers criticized the government's deportation of non Moroccan migrants directly to Morocco, their country of last transit, and the government abandoned this practice during the year. During the year the government concluded repatriation agreements with several West African countries in order to repatriate migrants directly to their countries of origin. In a report released in October, "The Southern Border 1995 2006: Ten years of human rights violations," the NGO SOS Racismo asserted that Moroccan authorities had abandoned at least 81 such migrants in the desert along the Algerian border in 2005. The report cited 379 deportations to Morocco that it claimed violated European law against deporting persons to a country where their lives may be in danger.

The government provided funding and material assistance to help Moroccan and Mauritanian authorities improve their border security and their treatment of migrant populations.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through regularly occurring, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation

In 2004 Jose Luis Rodriguez Zapatero of the Socialist Party became president in a free and fair national election. Governmental power was shared between the central government and 17 regional governments. Linguistic and cultural minorities had representation in, and participated in, both local and national political parties.

There were 125 women in the 350 seat Congress of Deputies (lower house) and 61 women in the 259 seat Senate (upper house). There were eight women in the 16 member Council of Ministers.

The government did not keep statistics on the ethnic composition of the parliament, but linguistic and cultural minorities appeared to be well represented. The Catalan parliament included a member of Moroccan origin. There were Muslim political parties in the city enclaves of Ceuta and Melilla in North Africa. Roma had little representation in government. During the year the government appointed the first Roma to a high level position, as an advisor in the Women's Institute.

Government Corruption and Transparency

There were several reports of government corruption during the year, primarily in local government. Many of the cases dealt with bribery of local officials by construction companies seeking to win favorable rezoning and construction contracts. In March, in one particularly serious incident, the national anticorruption attorney's office investigated and charged the mayor and much of the local government of Marbella with corruption and financial crimes. As the year progressed, details continued to come out of alleged extensive corruption in the Marbella government, including real estate graft, bribery, and embezzlement, which left the government several hundred million dollars in debt. By year's end authorities had arrested more than 60 individuals connected to the scandal and the investigation was ongoing. The former chief of police of Marbella was arrested in December and accused of illegally selling over 400 stolen vehicles at a police auction. The suspected ringleader of the corruption, Juan Antonio Roca, was arrested in March and remained in custody at year's end.

The law mandates public access to government information, and the government generally provided it.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

The law provides for an ombudsman, called the "people's defender," whose duties included investigating complaints of human rights abuses

by authorities. The ombudsman operates independently of any party or government ministry, is elected every five years by a three fifths majority of the Congress of Deputies, and is immune from prosecution. The ombudsman has complete access to government institutions and to all documents other than those classified for national security reasons. Although his recommendations to government agencies were advisory, the ombudsman could refer cases to the courts on his own authority. Government agencies were generally responsive to the ombudsman's recommendations. Several autonomous communities had their own ombudsmen, and there were ombudsmen dedicated to the rights of specific groups, such as women, children, and persons with disabilities. The ombudsmen made hundreds of official recommendations during the year.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced it effectively; however, domestic violence, trafficking in persons, and discrimination against ethnic minorities and immigrants were problems.

Women

The law prohibits violence against women, but domestic violence against women was widely acknowledged to be a societal problem. Despite the implementation of the 2005 Integral Law against Gender Violence, which toughened penalties on gender violence and increased the number of police officers and courts dedicated to gender violence, the government reported that current or former husbands or partners killed 68 women during the year, an increase from 60 in 2005. According to a study released in December by the Ministry of Labor and Social Affairs, more than 600,000 women over the age of 18 (3.6 percent) were victims of gender based abuse during the year. Through November women filed 57,454 complaints of abuse against their husbands, male partners, or ex partners, 4.2 percent more than during the same period in 2005.

The law provides prison sentences of six months to a year for domestic violence, threats, or violations of restraining orders, with longer sentences in the event of serious injuries. During the year special gender courts received 148,448 complaints of domestic violence and issued 16,036 convictions. In the 12 months ending in June, gender courts tried 40,700 cases of gender violence with a conviction rate of 71.9 percent. In their first year of existence, the special courts issued 27,366 restraining orders against men.

Over 50 offices provided legal assistance to victims of domestic violence, and there were approximately 225 shelters for battered women. A 24 hour free national hotline advised battered women on where to find local assistance or shelter. In addition the security services strengthened their support for battered women. In December 2005 there were 1,102 specialized police officers who focused on protection of victims. At year's end that number had increased to 1,392.

In March the government created the State Observatory for Violence Against Women to gather information on the problem, issue annual reports evaluating the efficiency of existing measures, and propose new ones if necessary.

A June AI report entitled *More Rights, the Same Obstacles* found that the implementation of the government's domestic violence law was uneven regions outside the capital generally provided fewer resources for battered women.

The law prohibits rape, including spousal rape, and the government effectively enforced it. The government reported 6,382 cases of sexual assault, harassment, and aggression through November.

In Catalonia the law requires that a doctor examine immigrants considered to be in danger of female genital mutilation (FGM) when they travel to and from their countries of origin. Parents whose children are determined to have been subjected to this practice risked losing custody of these children. In practice there were no medical examinations of immigrants, because there was no suspicion that FGM took place. Authorities and doctors warn immigrant parents of situations when they suspect something like this could occur.

Prostitution is not illegal, but forcing others into prostitution and organizing prostitution rings are crimes, and it is illegal for anyone to profit from the prostitution of another. Prostitution was reported to be a problem. Local governments, notably those of Madrid and Barcelona, continued efforts to discourage prostitution. During the year the Madrid city government focused its efforts on reducing demand by targeting potential sex solicitors with posters claiming, "because you pay, prostitution exists." The Madrid city government hosted a conference in November on "Human Rights and Prostitution" to build momentum to fight demand of the commercial sex trade. Other efforts to combat prostitution included advertising campaigns discouraging prostitution, restrictions on prostitution near schools, and police actions such as road closings to deter clients from seeking prostitutes. In April the joint Senate Congress Commission for Women's Rights approved the creation of a study group to analyze voluntary prostitution and how to approach the problem. The commission had not delivered its findings at year's end.

Trafficking in women for the purpose of sexual exploitation was a problem (see section 5, Trafficking).

The law prohibits sexual harassment in the workplace; however, such harassment was reported to be a problem. According to a study released in April by the Women's Institute, a division of the Ministry of Labor and Social Affairs, 14.9 percent of women experienced some kind of sexual harassment during 2005, although only 9.9 percent identified themselves as victims of such harassment. The study found that four percent of women had suffered a serious incident of harassment and 2.2 percent had suffered a very serious incident. The institute reported 390 complaints of sexual harassment from January through November.

Under the law women enjoy the same rights as men, including rights under family law, property law, and in the judicial system. The Women's Institute worked to ensure the legal rights of women, combat economic discrimination, and integrate women into the mainstream of society and the economy. Discriminatory wage differentials continued to exist, and women held fewer senior management positions than men.

Children

The government was strongly committed to children's rights and welfare.

Education is compulsory until age 16 and free until age 18. There were no apparent differences in the treatment of girls and boys in education. According to UN Economic and Social Organization statistics for 2002 and 2003, 100 percent of primary school aged children and 96 percent of secondary school aged children were in school.

Access to the national health care system was equal for girls and boys.

The Ministry of Health and the Ministry of Labor and Social Affairs were responsible for the welfare of children. Several regional governments had an office of the children's defender, an ombudsman charged with defending children's rights.

In June the Congress of Deputies approved a revision of the law to establish tougher penalties for youth aged 14 to 17. The new law also permits underage witnesses and victims of crimes to testify via videoconference without having a visual confrontation with the defendant.

There were isolated reports of child abuse.

Child prostitution occurred.

Trafficking in teenage girls for the purpose of sexual exploitation was a problem (see section 5, Trafficking).

Trafficking in Persons

The law prohibits trafficking in persons; however, there were reports that persons were trafficked to and through the country.

The country was both a destination and transit point for persons trafficked for the purpose of sexual exploitation (most frequently involving forced prostitution and work in nude dancing clubs) and, to a lesser degree, forced labor (primarily in agriculture, construction, and domestic employment) (see section 6.d.). Trafficked women were usually 18 to 30 years of age, but some girls were as young as 16. Women were trafficked primarily from Latin America (Colombia and Ecuador), East European countries (Romania and Bulgaria), sub Saharan Africa (Nigeria, Guinea, and Sierra Leone), and, to a lesser extent, North Africa. Asians, including Chinese, were trafficked to a much lesser degree and more often for labor rather than for sexual exploitation.

The traffickers were generally organized criminals based in the source countries.

Methods used by traffickers to maintain control of their victims included physical abuse, forced use of drugs, withholding of travel documents, and threats to the victim's family. NGOs reported an increase in instances when traffickers allowed their victims to keep a portion of the money they earned through prostitution in order to dampen the victims' desire to escape the trafficking network. In the case of women from Eastern Europe, severe violence and threats were the method most often employed by traffickers. Traffickers lured some victims from other regions with false promises of employment in service industries and agriculture but then forced them into prostitution upon their arrival. The media reported that criminal networks often lured their victims by using travel agencies and newspaper advertisements in their home countries that promised assured employment in Spain. In the case of Romanian organized networks, women were typically forced into prostitution and 90 percent of their earnings went to the criminal network. Men were often trafficked for employment in low paying construction jobs. Clandestine clothing production and sales, and work in restaurants were typical employment for illegal Asian immigrants, who came to the country with false documents through trafficking networks.

The law prohibits trafficking in persons for labor and sexual exploitation. Penalties ranged from five to 10 years' imprisonment. The law also prohibits the exploitation of prostitutes through coercion or fraud and the exploitation of workers in general, with penalties ranging from five to 10 years' imprisonment. During 2005, 1,686 persons were convicted of crimes related to trafficking in persons for labor and sexual exploitation. From January through May, police dismantled 160 trafficking networks and arrested 889 persons for this activity, freeing 1,337 victims.

In November the National Police and Civil Guard disrupted a trafficking operation that was exploiting foreigners for manual labor. On November 13, police intercepted a cargo van driven by a Romanian citizen with 18 illegal migrants crowded into the cargo area. The migrants were believed to be destined for a citrus orchard in Huelva. Authorities arrested the Romanian driver of the van, the Spanish owner of the farm, and a Bulgarian fixer. The workers were to receive approximately \$26 (20 euros) a day with no labor contract.

During the year there was a considerable increase of trafficking to Catalonia of women from Romania, Bulgaria, Albania and from such African countries as Senegal and Mauritania. There were reports that approximately 1,500 women arrived from Romania by bus with fake documents and tourist visas.

The Ministry of Interior coordinates antitrafficking efforts and received support in its efforts from the Office of the President, the Ministry of Labor and Social Services, the Ministry of Justice, and the Ministry of Education. The national police has a special unit, the Immigration Networks and Falsified Documents Unit (UCRIF), which covers trafficking in persons. The UCRIF intelligence unit analyzed statistical data and trends, while coordinating efforts and sharing data with the civil guard and Interpol. Regional national police offices conducted quarterly reviews to set goals in combating trafficking and to assess success in meeting previous quarter goals. During the year 200 police and civil

guard officers worked exclusively to combat trafficking of women and children.

The law permits trafficking victims to remain in the country if they agree to testify against the perpetrators. After legal proceedings conclude, victims are given the option of remaining in the country or returning to their countries of origin. Victims were encouraged to help police investigate trafficking cases and to testify against traffickers. There was no fixed period of time for victims to recover and reflect, in a safe environment, before being required to decide whether to cooperate with police investigation and prosecution of their traffickers.

The government worked with, and funded, NGOs that provided assistance to trafficking victims. In addition regional and local governments provided assistance either directly or through NGOs. Representatives of the government's violence education programs for female victims and an NGO partner on trafficking reported that 89 percent of the victims they assisted pressed criminal charges.

The government contracted with Project Hope, an international order of nuns whose domestic branch focused solely on abused women, to provide protection, housing, and counseling to victims of trafficking or other abuse. Project Hope operated shelters in Madrid, provided assistance with medical and legal services, and acted as liaison with law enforcement for victims who chose to testify against traffickers. Project Hope received many referrals directly from police. The Catalan regional and municipal government contracted with Caritas for the same services.

Since March 2004 the Madrid city government has enforced its antiprostitution and antitrafficking campaigns by increasing the presence of police in targeted zones and by publicity designed to reduce the demand for commercial sex services (see section 5, Women).

The government established an antitrafficking working group during the year under the auspices of the vice president. The task force tasked the interior, justice, labor, and foreign affairs ministries with responsibilities leading to the production of a national action plan to combat trafficking in persons. The plan was not released by year's end.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and in the provision of other state services, and the government effectively enforced these provisions. A report by the Spanish Committee of Representatives of Handicapped Persons indicated that 64 percent of persons with disabilities felt discrimination against at some time in their lives.

The law mandates access to buildings for persons with disabilities, and the government generally enforced these provisions in practice; however, levels of assistance and accessibility differed among regions. The Ministry of Labor and Social Affairs has the responsibility of protecting the rights of persons with disabilities.

National/Racial/Ethnic Minorities

There were instances of societal violence and discrimination against members of racial minorities, and the government undertook efforts to combat them. A report issued on February 21 by the ECRI, while recognizing the government's efforts to combat these problems, encouraged more frequent use of provisions in the law that treat racism as an aggravating factor (i.e. hate crime) to impose tougher sentences. SOS Racismo also encouraged this course of action.

Neo Nazis and skinheads harassed immigrants as well as racial and other minorities during the year. Although noting that the country did not have a far right political party with electoral possibilities, the NGO SOS Racismo, in its annual report issued April 24, indicated that "violent actions of explicit racism" by ultrarightists, continued to occur and that far right groups were appealing to greater numbers of youth, making use of the Internet to spread their beliefs. SOS Racismo denounced alleged abuses against immigrants by some Catalan police officials (see section 1.c.).

On September 3, in the Sabadell area of Catalonia, approximately 15 persons allegedly assaulted a Gambian citizen, Bakari D., in the street, breaking his ribs and puncturing his lung. His girlfriend, who witnessed the attack, said the assailants were shouting racial insults at the man during the assault. Catalan police were investigating the incident and had not pronounced it a hate crime at year's end.

In 2005 police detained approximately 126 neo Nazis throughout the country, principally in Catalonia, Madrid, and Aragon.

Public opinion polls revealed that some citizens had negative stereotypes regarding minorities, including immigrants, who came primarily from Latin America, Morocco, and Eastern Europe and also from West Africa. On October 9, in a speech about immigration, Madrid city council member Pedro Calvo said that foreigners coming from South America acted violently "because the value placed on life there is less." The human rights groups SOS Racismo and the Commission for the Protection of Refugees (CEAR) characterized the statement as xenophobic. The Socialist Party called for Calvo's resignation, but the conservative Popular Party declined to discipline Calvo.

According to a July 12 report of the national NGO Fundacion Secretariado Gitano (FSG) Roma continued to face marginalization and discrimination in access to employment, housing, and education. The FSG cited 137 credible complaints of racial discrimination against Roma in 2005, including racially threatening graffiti and discrimination in employment, social services, education, and the purchase of real estate. The FSG welcomed the April 2005 royal decree establishing the State Council of the Romani People and a July 2005 law that outlawed discrimination in classrooms; however, the report cited public opinion polls indicating that one in four of the country's inhabitants did not want their children to take classes with Romani children. It also indicated that more than 40 percent of inhabitants expressed discomfort at having Romani neighbors. The Romani community, whose size was estimated by NGOs at several hundred thousand, experienced substantially higher rates of poverty and illiteracy than the general population. Roma also had higher rates of unemployment and

underemployment. The central and local governments provided assistance to several NGOs that were dedicated to improving the condition of Roma.

On November 7, the FSG criticized a city councilman in Denia who attributed a recent crime wave in the town to the Roma population and called for their expulsion.

In June 2005 the Ministry of Education and Culture and the FSG signed a cooperative agreement that focused on improving the school attendance of Romani children and education for adults. In September the FSG announced the results of a study indicating that up to 80 percent of Romani children were not finishing their required secondary education.

During the year the national ombudsman received approximately 50 complaints related to alleged discrimination in Catalonia, where both Castilian and Catalan are official languages, against the teaching of the Castilian language. During the year the Catalan ombudsman received 10 complaints related to discrimination against the teaching or use of the Castilian language and 33 complaints about the failure to use the Catalan language in Catalan official institutions (these complaints were from persons who wished to be served in Catalan but were served in Castilian), although the law requires that civil servants dealing with the public be able to speak both languages. Critics on one side asserted that limiting education in Castilian reduced opportunities for Catalans who wish to live or work outside Catalonia or who simply wish to speak Castilian, and circumscribed the opportunities of Castilian speakers in Catalonia. Others, however, insist on their right to be served in the Catalan language.

Section 6 Worker Rights

a. The Right of Association

The law allows workers, except those in the military services, judges, magistrates, and prosecutors, to form and to join unions of their choice without previous authorization or excessive requirements, and workers did so in practice. Approximately 15 percent of the workforce was unionized. The law prohibits discrimination by employers against trade union members and organizers; however, unions contended that employers practiced discrimination in many cases by refusing to renew the temporary contracts of workers engaging in union organizing.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law provides for collective bargaining, including for all workers in the public sector except military personnel, and it was freely practiced. Public sector collective bargaining includes salaries and employment levels, but the government retained the right to set these if negotiations failed. Collective bargaining agreements were widespread in both the public and private sectors; in the latter they covered 85 to 90 percent of workers. The law provides for the right to strike and workers exercised this right by conducting legal strikes. A strike in nonessential services was legal if the union gave five days notice. Any striking union must respect minimum service requirements negotiated with the respective employer.

There are no special laws or exemptions from regular labor laws in the three special economic zones in the Canary Islands, Ceuta, and Melilla.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment

There are laws and policies to protect children from exploitation in the workplace. Child labor was generally not a problem. The statutory minimum age for the employment of children is 16. The law also prohibits the employment of persons under the age of 18 at night, for overtime work, or in sectors considered hazardous. The primary responsibility for enforcement lies with the Ministry of Labor and Social Affairs, and the minimum age was enforced effectively in major industries and in the service sector. It was more difficult to enforce the law on small farms and in family owned businesses, where some child labor persisted. Legislation prohibiting child labor was enforced effectively in the special economic zones.

e. Acceptable Conditions of Work

The minimum wage was approximately \$707 (540 euros) per month, which generally provided a decent standard of living for a worker and family; however, this was not the case in all areas of the country. The Ministry of Labor and Social Affairs effectively enforced the minimum wage.

The law provides for a 40 hour workweek, with an unbroken rest period of 36 hours after each 40 hours worked. By law overtime is restricted to 80 hours per year unless collective bargaining established a different level. Premium pay is required for overtime, up to a maximum of 80 hours per year.

The National Institute of Safety and Health in the Ministry of Labor and Social Affairs has technical responsibility for developing labor standards, but the inspectorate of labor had responsibility for enforcing the law through inspections and judicial action when infractions were

found. Unions criticized the government for devoting insufficient resources to inspection and enforcement. Workers have the right to remove themselves from situations that endangered health or safety without jeopardy to their employment, and authorities effectively enforced this right; however, employees with short term labor contracts may not understand they have such protections.